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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/879,302

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Nozomu Ikeda

6158

530 7590 10/30/2007  
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EXAMINER

CALLAHAN, PAUL E

ART UNIT

PAPER NUMBER

2137

MAIL DATE

DELIVERY MODE

10/30/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/879,302

Applicant(s)

IKEDA ET AL.

Examiner

Paul Callahan

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 76-92,95,96,106-111,131 and 146 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 76-92,95 and 96 is/are allowed.
- 6) ☒ Claim(s) 106,110,111 and 131 is/are rejected.
- 7) ☐ Claim(s) 107-109 and 146 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is directed to the Applicant's response filed August 13, 2007. Claims 76-92, 95, 96, 106-111, 131 and 146 are pending in the instant application and have been examined.

2. The indicated allowability of claims 106, 110, 111, and 131 is withdrawn in view of a reconsideration of the reference(s) to Takanori, Japanese Patent Application No. 08-069419, published December 3, 1996. (Provided with the Applicant's IDS filed December 28, 2006). Rejections based on the newly cited reference(s) follow.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 106, 110, and 111 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Takanori, Japanese Patent Application No. 08-069419, published December 3, 1996. (Provided with the Applicant's IDS filed December 28, 2006)

As for claim 106, Takanori teaches an information signal reproducing method for reproducing information signals to which medium-related information has been added

[0011 - 0013] and which are recorded on a recording medium having formed thereon an area different from an area for recording the information signals and in which the medium-related information is recorded [0011 - 0013], or having a unit accompanying the recording medium in which the medium-related information is recorded, the reproducing method comprising: a medium-related information reading step of reading the medium-related information from one of the recording medium and the unit accompanying the recording medium [0013-0015]; an information signal reading step of reading the information signals from the recording medium [0013 - 0015, 0018]; a detecting step of detecting the medium-related information added to the information signals in the information signals read by the information signal reading step [0013 - 0015, 0018]; a determining step of determining whether the medium-related information from the reproducing-side medium-related information reading step is consistent with the medium-related information detected by the detecting step [0013 - 0015, 0018, 0034]; and a controlling step of prohibiting the reproduction of the information signals if the medium-related information from the reproducing side medium-related information reading step is not consistent with the medium-related information detected by the detecting step [0013 - 0015, 0018, 0034].

As for claim 110, Takanori teaches the information signal reproducing method according to claim 106, further comprising an informing step of informing a user that the information signals are not reproduced when the determined result from the determining step indicates that the medium-related information from the medium-related information

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reading step is not consistent with the medium-related information detected by the detecting step [0013-0015, 0018, 0034].

As for claim 111, Takanori teaches the information signal reproducing method according to claim 106, wherein the medium-related information added to the information signals is superimposed on the information signals using a first code, and said step of detecting comprises providing second code identical with said first code, and detecting the medium-related information superimposed on the information signal by processing a detecting process using said second code [0013 – 0015, 0018, 0037, 0038].

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 131 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takanori.

Takanori does not explicitly teach the information signal recording/ reproducing

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method according to claim 108, further comprising an informing step of informing a user that the information signals are not reproduced when the additional information cannot be detected from the information signals by means of the additional information detecting step. However, Official Notice may be taken that the use of such a step is old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the method of Takanori. It would have been desirable to do so since this would allow a user to more quickly determine that the copy process is not proceeding.

#### ***Allowable Subject Matter***

7. Claims 76-92, 95, and 96 are allowed.
8. Claims 107-109, and 146 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Emmanuel Moise, can be reached on (571) 272-3865. The fax phone

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number for the organization where this application or proceeding is assigned is: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Paul Callahan*

/Paul Callahan/  
October 24, 2007

*E. L. Moise*

EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER